

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,)
)
Plaintiff,)
)
v.) Case No. 05-cv-329-GKF(SAJ)
)
TYSON FOODS, INC., et al.,)
)
Defendants.)

STATE OF OKLAHOMA'S MOTION FOR PROTECTIVE ORDER
REGARDING THE CONDUCT OF 30(b)(6) DEPOSITIONS OF THE
STATE AND INTEGRATED BRIEF IN SUPPORT THEREOF

Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma ("the State"), moves pursuant to Fed. R. Civ. P. 26(c) for a protective order regarding the conduct of 30(b)(6) depositions of the State. In support, the State states:

1. On August 17, 2007, the Cargill Defendants served on the State five separate notices for Rule 30(b)(6) depositions. *See* DKT #1270, Ex. 1.
2. In response to these notices, the State reached out to Defendants in an effort to get them to coordinate their 30(b)(6) deposition discovery of the State. *See* Exs. 1-7.
3. Although the type of conduct that forms the basis of the State's claims is common among Defendants, and although Defendants have asserted that they are pursuing a joint defense of the State's claims, Defendants have nevertheless refused to coordinate their 30(b)(6) deposition discovery of the State. *See* Exs. 8-14. In fact, the Cargill Defendants are insisting upon taking separate 30(b)(6) depositions of the State. If this course of 30(b)(6) deposition practice is permitted among all Defendants, the State will in all likelihood be unnecessarily

subjected to multiple, repetitive 30(b)(6) depositions on issues that substantially overlap among the various Defendants, and will result in a needless expenditure of time and money.

4. Simply put, Defendants' approach to Rule 30(b)(6) discovery in this case is contrary to Fed. R. Civ. P. 1 and 30.

5. While the State does not dispute Defendants' entitlement to conduct relevant discovery of the State by means of Rule 30(b)(6), as explained above the manner in which Defendants are approaching this discovery is plainly oppressive, unduly burdensome and expensive.

6. Further, in an apparent attempt to circumvent the durational limits on depositions, the Cargill Defendants have improperly served five separate 30(b)(6) notices on the State. This approach to 30(b)(6) depositions is likewise not only plainly oppressive, unduly burdensome and expensive, but also raises issues under Fed. R. Civ. P. 30(d)(2).

7. Accordingly, for the reasons set forth above, and for the reasons set forth in the State of Oklahoma's Response in Opposition to the Cargill Defendants' Motion to Compel the State to Designate Deponents under Rule 30(b)(6) [DKT #1308], the State seeks a protective order.¹

8. Specifically, the State seeks a protective order requiring Defendants to coordinate their 30(b)(6) depositions of the State so that each of the State's designee(s) is subjected to only a single deposition by all Defendants. Additionally, the State seeks a protective order requiring consolidation of the five separate 30(b)(6) notices by the Cargill Defendants into a single notice.

WHEREFORE, premises considered, the State's motion for protective order should be granted.

¹ The State sought to meet-and-confer with Defendants on these issues, but was unsuccessful. *See* DKT # 1270; *see also* Exs. 1-15.

Respectfully Submitted,

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I hereby certify that on this 5th day of October, 2007, I electronically transmitted the above and foregoing pleading to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following ECF registrants:

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